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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

**Jay H. DOWLING et al**

Serial No: 09/151,764

Group Art Unit: 2876

Filed : September 11, 1998

Examiner: J. Fureman

For : OPTICAL SYMBOLLOGIES IMAGER

APPLICANT'S APPEAL BRIEF  
UNDER 35 U.S.C. §1.192

Commissioner of Patents and Trademarks  
Washington, DC 20231

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JUN 13 2003  
TECHNOLOGY CENTER 2800

Sir:

By notice of the Appeal filed on August 12, 2002, applicants have appealed the final rejections dated March 12, 2002 and submit this brief in support of that appeal. It is noted that applicant by a accompanying amendment has limited the claims on appeal to claims 25, 27, 36, 40-43 and 49-51.

**(1) REAL PARTY IN INTEREST**

The real party in interest is the assignee, Robotic Vision Systems, Inc., as evidenced by the Assignment of the inventors, Dowling et al. recorded at Reel 010354, frame 0713 in the United States Patent and Trademark Office.

**(2) RELATED APPEALS AND INTERFERENCES**

There are no related appeals and interferences regarding the present application.

**(3) STATUS OF CLAIMS**

Claim 1 has been withdrawn from consideration.

Claim 2 has been withdrawn from consideration.

Claim 3 has been withdrawn from consideration.

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OFFICE OF PATENT  
DEPARTMENT OF COMMERCE  
US PATENT & TRADEMARK  
OFFICE

2003 JUL 18 PM 4

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

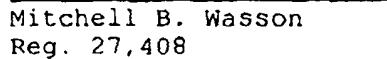
Applicant respectfully requests that the Patent Office credit an overpayment to our Deposit Account No. 08-2455 in the amount of \$320.00, based upon an amended Appeal Brief filed on June 16, 2003.

Applicant, on February 12, 2003, filed an Appeal Brief and paid the required fee of \$320.00. Applicant is enclosing herewith a copy of the Transmittal Letter showing that this fee was paid. Applicant, on June 13, 2003, filed an amended Appeal Brief at which time a second Appeal Brief fee for \$320.00 was paid. A copy of our Transmittal Letter indicating the payment of this fee is also enclosed herewith. The filing of this amended Appeal Brief was due to an Office Action promulgated by the Examiner on March 17, 2003. Therefore, since the Appeal Brief fee of \$320.00 was initially paid, this second Appeal Brief

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fee of \$320.00 should not have been paid. Therefore, applicant is requesting that this second Appeal Brief fee of \$320.00 be credited to our Deposit Account No. 08-2455.

Respectfully submitted,



Mitchell B. Wasson  
Reg. 27,408

July 13, 2003

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Arlington, VA 22202  
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Attorney's Docket: **A-6388.RFR/cat**